



544058

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: 1/AD/2R	.	Floor: SEN1/C
04/24/2013 11:16 AM	.	05/02/2013 10:19 AM
	.	

Senator Simpson moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (8) of section 163.3167, Florida
Statutes, is amended to read:

163.3167 Scope of act.—

(8) (a) An initiative or referendum process in regard to any
development order ~~or in regard to any local comprehensive plan
amendment or map amendment~~ is prohibited. ~~However, any local
government charter provision that was in effect as of June 1,
2011, for an initiative or referendum process in regard to
development orders or in regard to local comprehensive plan~~



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14 ~~amendments or map amendments may be retained and implemented.~~

15 (b) An initiative or referendum process in regard to any
16 local comprehensive plan amendment or map amendment is
17 prohibited. However, an initiative or referendum process in
18 regard to any local comprehensive plan amendment or map
19 amendment that affects more than five parcels of land is allowed
20 if it is expressly authorized by specific language in a local
21 government charter that was lawful and in effect on June 1,
22 2011; a general local government charter provision for an
23 initiative or referendum process is not sufficient.

24 (c) It is the intent of the Legislature that initiative and
25 referendum be prohibited in regard to any development order. It
26 is the intent of the Legislature that initiative and referendum
27 be prohibited in regard to any local comprehensive plan or map
28 amendment, except as specifically and narrowly permitted in
29 paragraph (b) with regard to local comprehensive plan or map
30 amendments that affect more than five parcels of land.

31 Therefore, the prohibition on initiative and referendum stated
32 in paragraphs (a) and (b) is remedial in nature and applies
33 retroactively to any initiative or referendum process commenced
34 after June 1, 2011, and any such initiative or referendum
35 process that has been commenced or completed thereafter is
36 hereby deemed null and void and of no legal force and effect.

37 Section 2. Section 4 of chapter 2012-75, Laws of Florida,
38 is repealed, retroactive to June 30, 2012.

39 Section 3. This act shall take effect upon becoming a law.

40
41 ===== T I T L E A M E N D M E N T =====

42 And the title is amended as follows:



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43 Delete everything before the enacting clause
44 and insert:

45 A bill to be entitled
46 An act relating to growth management; amending s.
47 163.3167, F.S.; clarifying the prohibition on an
48 initiative or referendum process in regard to
49 development orders; clarifying the prohibition on an
50 initiative or referendum process in regard to
51 comprehensive plan amendments and map amendments;
52 clarifying that the exception to the prohibition on an
53 initiative or referendum process in regard to any
54 local comprehensive plan amendment or map amendment is
55 limited to a local government charter provision in
56 effect on June 1, 2011, that specifically authorized
57 an initiative or referendum process for local
58 comprehensive plan or map amendments that affect more
59 than five parcels of land; providing legislative
60 intent; providing for retroactive application;
61 providing for the retroactive repeal of s. 4 of
62 chapter 2012-75, Laws of Florida, relating to a
63 presumption regarding agricultural enclaves; providing
64 an effective date.